IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT APPEAL NO : 957 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 28/03/2005 in WP NO : 8716 OF 2004 on the file of the High Court.)

Between:

T.P.Vargheese, s/o T.D.Porinchu,
R/o Tharayil House, Kottat Post, West Chalakkudy,
Thrissur District, Kerala.

..... APPELLANT

AND

1 The Branch Manager, Catholic Syrian Bank Ltd.,
Branch Office, Nellore, A.P.,
2 The Deputy Zonal Manager, Catholic Syrian Bank Ltd.,
Zonal Office, Ernakulam, Kerala State.
3 The Assistant General Manager (Personnel) (Disciplinary Authority),
Catholic Syrian Bank Ltd., Thrissur, Kerala State.
4 The Deputy General Manager (I & V) Head Office, Catholic Syrian Bank

Ltd., Thrissur, Kerala State.

.....RESPONDENTS

Counsel for the Appellant : Mr.S.RAJAN

Counsel for the Respondents: Mr.K.GOPALA KRISHNA MURTHY

The Court at the stage of admission, made the following :

JUDGMENT: (per the Hon'ble Smt.Justice T.MEENA KUMARI)

This appeal is filed by the appellant-writ petitioner aggrieved by the Order, dated 28.03.2005, in Writ Petition No.8716 of 2004 passed by a learned single Judge of this Court.

The Writ Petition was filed to declare the action of the respondents in not acceding to the request of the writ petitioner to stop or stall the domestic enquiry being conducted at the first respondent's premises in terms of Clause 19.4 of the Standing Orders of the respondent-Bank, in view of pendency of the criminal case in C.C.No.117 of 2003 on the file of the
II Additional Judicial First Class Magistrate, Nellore as illegal and consequently to direct the respondents not to proceed with the domestic enquiry till the completion of the criminal trial.

Heard the learned counsel and perused the impugned order.

The learned single Judge relied upon the Judgment of the Supreme Court in **STATE OF RAJASTHAN v. B.K.MEENA AND OTHERS** wherein it was held that in every case it is not necessary that domestic investigation should await the trial on the criminal side, and that stay of disciplinary proceedings by the authorities till the conclusion of the criminal trial, cannot be made as a matter of course, and stay should be based on relevant factors, and having regard to the fact that in the present case there being no commencement or completion of trial on the criminal side with the examination of witnesses as such, within the prescribed period, the learned single Judge had rightly dismissed the writ petition holding that it cannot be said that the domestic enquiry has to be stalled or stayed till the completion of the criminal

action.

Under the above circumstances, we do not find any reason to interfere with the well-reasoned order of the learned single Judge.

The Writ Appeal is accordingly dismissed.

(T.MEENA KUMARI, J)

(L.NARASIMHA REDDY, J)

Dt: 29.04.2005

bsv/lvl

To

1 The Branch Manager, Catholic Syrian Bank Ltd.,
Branch Office, Nellore, A.P.,
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